

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

Plaintiff,

v.

MATTHEW L. CATE, et al.,

Defendants.

CASE NO. 1:09-cv-02220-OWW-SKO PC

ORDER DENYING MOTION
FOR EVIDENTIARY HEARING

(Docs. 22)

Plaintiff Barry Louis Lamon, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 22, 2009. Plaintiff’s amended complaint, filed April 14, 2011, is awaiting screening. 28 U.S.C. § 1915A.

On June 8, 2011, Plaintiff filed a motion seeking an evidentiary hearing to reach a determination regarding potentially duplicative claims in Plaintiff’s pending civil actions.¹ Plaintiff’s motion follows the issuance of an order to show cause why case number 1:07-cv-01390-LJO-GBC PC Lamon v. Adams should not be dismissed on the ground that it is duplicative of case number 1:07-cv-000493-AWI-DLB PC Lamon v. Tilton.²

Plaintiff may not proceed on duplicative claims and if such claims are identified by the Court, Plaintiff, or the defendants, appropriate action will be taken. However, Plaintiff bears the initial burden of avoiding litigation of duplicative claims and the Court cannot expend its resources on an

¹ In this district, Plaintiff presently has eight open civil cases.

² Plaintiff filed a response to the order to show cause and the Honorable Gerald B. Cohn filed a recommendation that the action be dismissed as barred by res judicata on June 7, 2011.

1 evidentiary hearing which serves the sole administrative purpose of assisting Plaintiff in sorting out
2 his claims and pending civil cases. The issue of duplicative claims was raised in case number 1:07-
3 cv-01390-LJO-GBC PC Lamon v. Adams. The claims in this action are not subject to that
4 proceeding and there is no basis for an evidentiary hearing in this action.

5 Accordingly, Plaintiff's motion is HEREBY DENIED.

6
7 IT IS SO ORDERED.

8 **Dated: June 14, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE